

**STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL**

**Petition Of BNE Energy Inc. For A
Declaratory Ruling For The
Location, Construction And Operation
Of A 3.2 Mw Wind Renewable Generating
Project On New Haven Road In Prospect,
Connecticut (“Wind Prospect”)**

Petition 980

February 23, 2011

**MOTION TO STRIKE PRE-FILED TESTIMONY
OF MICHAEL MCCANN**

Petitioner BNE Energy Inc. (“BNE”) hereby moves to strike the pre-filed testimony of Michael McCann. Specifically, Save Prospect Corp. (“SPC”) has submitted the pre-filed testimony of Michael McCann to support the proposition that the Project will adversely affect property values. However, evidence concerning property values is beyond the Siting Council’s jurisdiction. Therefore, the proposed pre-filed testimony concerning property damage is improperly before the Siting Council. Further, Mr. McCann is not a licensed Connecticut appraiser and is prohibited from rendering appraisal opinions in the State of Connecticut.

ARGUMENT

The Project is pending before the Council pursuant to the declaratory ruling provisions in Conn. Gen. Stat. §16-50k(a). Under such provisions, the Council “shall” approve the Project “as long as such project meets air and water quality standards of the Department of Environment Protection.” Economic impacts, such as alleged impacts to property values, are not included in those items the Council can consider when rendering a decision on a Petition. In addition, even viewing the Council’s broader authority under Conn. Gen. Stat. § 16-50g, the Council has been granted authority by the legislature over power generating plants . . . “to provide for the

balancing of need for adequate and reliable public utility services . . . with the need to protect the environment and ecology of the state to minimize damage to scenic, historic, and recreational values. . . “ Nothing in this broader grant or authority nor in the specific statutory framework within which the Council must review this petition grants the Council authority to consider economic impacts. The Council has recognized the fact that economic impacts, such as property values, are outside the scope of its jurisdiction in previous Dockets and properly excluded such information from the record. *See, e.g.*, Connecticut Siting Council Docket 366, Docket 225D. Therefore, information pertaining to property values is necessarily irrelevant since it is beyond the scope of the Council’s jurisdiction.

In addition to the relevance of the testimony, it should be noted that Mr. McCann is not a licensed appraiser in the State of Connecticut. Because Mr. McCann is not a licensed Connecticut real estate appraiser pursuant to Conn. Gen. Stat. §20-500 et seq., he is prohibited from providing any opinions as to value in the State of Connecticut. Conn. Gen. Stat. §20-501. Further, Mr. McCann fails to provide specific information or opinion relating to any property in Prospect, Connecticut. Instead, Mr. McCann evaluates property values from other projects in other States and makes general conclusions which he applies to the Project and the surrounding properties.

For these reasons, BNE moves to strike the pre-filed testimony of Mr. McCann.

Respectfully Submitted,
BNE ENERGY, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the foregoing was delivered by U.S. Mail, first class postage prepaid, to all parties and intervenors of record as follows:

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